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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 DARREN GILBERT,

12 Plaintiff,

13 v.

14 DOCTOR'S CHOICE MODESTO, LLC, et
15 al.,

16 Defendants.

Case No. 1:21-cv-00690-AWI-SAB

ORDER RE STIPULATION AND SETTING
ASIDE DEFAULT AGAINST AMAR
KUMAR AND EXTENDING TIME FOR
RESPONSIVE PLEADING TO BE FILED

(ECF Nos. 10, 11)

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18 Darren Gilbert ("Plaintiff") filed this action alleging violation of the Americans with
19 Disabilities Act against Doctor's Choice Modesto LLC and Amar Kumar. (ECF No. 1.) On
20 May 17 and 28, 2021, Plaintiff returned a proof of service showing the defendants have been
21 served with the summons and complaint. (ECF Nos. 4, 7.) On June 11, 2021 Defendant
22 Doctor's Choice Modesto LLC filed an answer to Plaintiff's complaint. (ECF No. 8.) On June
23 15, 2021, the Clerk of the Court entered default against Defendant Kumar at Plaintiff's request.
24 (ECF Nos. 9, 10.) On July 8, 2021, a stipulation was filed to set aside the default against
25 Defendant Kumar and extend time for him to respond to the complaint.

26 Accordingly, pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

- 27 1. The default entered against Defendant Kumar on June 15, 2021, is SET ASIDE;
28 2. Defendant Kumar shall file a pleading responsive to the complaint on or before

1 **August 15, 2021;**

2 3. The scheduling conference set for July 23, 2021 is CONTINUED to **October 5,**
3 **2021, at 10:30 a.m.** in Courtroom 9; and

4 4. The parties shall file a joint scheduling report **seven (7) days** prior to the
5 scheduling conference.

6
7 IT IS SO ORDERED.

8 Dated: **July 8, 2021**


UNITED STATES MAGISTRATE JUDGE